

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
DECEMBER 15, 2004

The following Minutes are a summary of the Special Meeting/Public Hearing for the City of Renton Merritt II Annexation (File No. 2178). Complete written transcripts are available from the Boundary Review Board.

I. CALL TO ORDER

James Denton, Chair, convened the meeting of December 15, 2004 at 7:10 PM.

II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Lloyd Baker	Charles Booth
A. J. Culver	Ethel Hanis
Claudia Hirschey	Roger Loschen
Michael Marchand	Judy Tessandore

III. PUBLIC HEARING CITY OF RENTON MERRITT II ANNEXATION (FILE No. 2178)

INTRODUCTION:

Chair Denton stated that the purpose of the Special Meeting is to conduct a Public Hearing on the Merritt II Annexation, a proposal submitted by the City of Renton to the Boundary Review Board in July 2004. The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Chair Denton described the standards for a quasi-judicial public hearing and the scope of the hearing. He explained the process for taking public testimony. Chair Denton opened the public hearing.

Chair Denton and Lenora Blauman described the proposed annexation. The City of Renton initially proposed the Merritt II Annexation as a 20.59-acre area shaped generally like a peninsula. The proposed boundaries of the initially proposed Merritt II Annexation Area are described as:

- The northern boundary of the annexation area is variously formed by Maple Valley Creek and NE 27th Street (if extended).
- The southern boundary of the annexation area is formed by SE 100th Street.
- The western boundary of the annexation area is variously formed by 142nd Avenue NE and Graham Avenue (if extended).
- The eastern boundary of the annexation area is formed by Lyons avenue NE and by Ilwaco Avenue NE (if extended).

The initially proposed annexation was undertaken by the Renton City Council based upon a petition (50/50 method) submitted in February 2004 from property owners and residents seeking annexation to the City. The City Council adopted the Merritt II Annexation Petition in May 2004. The City submitted a Notice of Intention to the Boundary Review Board in July 2004.

(Note: The City originally received an application for a four-acre annexation – Merritt I – which was then expanded to 20.59 acres based upon citizen interest. The 20.59- acre annexation proposal was designated as Merritt II.)

On August 27, 2004, the Office of the King County Executive invoked jurisdiction seeking a public hearing before the Boundary Review Board to review the Notice of Intention for the proposed Merritt II Annexation. The invoking of jurisdiction was based upon concerns related to:

- The County's continued ability to provide efficient local services in an urban unincorporated area with irregular municipal boundaries and relative isolation between the cities of Renton and Newcastle;

- Environmental and surface water management issues associated with the May Valley corridor;
- The application of appropriate zoning to protect the regionally designated May Valley urban separator;
- Consistency with adopted plans and policies including the King County Comprehensive Land Use Plan, and the Countywide Planning Policies; and,
- Consistency with Boundary Review Board Objectives.

Based upon that invoking of jurisdiction, the Boundary Review Board conducted an initial Special Meeting/Public Hearing on November 3, 2004, to review the proposed City of Renton Merritt II Annexation and to consider the King County request for expansion of the annexation to incorporate the entirety of the May Valley Potential Annexation Area (133-acres) into the City.

At the conclusion of the Special Meeting/Public Hearing, the Board voted unanimously to continue the public hearing for the Merritt II Annexation for the purpose of conducting a comprehensive review of the proposal to expand the proposed annexation to include the entire Renton May Valley Potential Annexation Area. The Special Meeting/Public Hearing continuation was scheduled for December 15, 2004.

At the Special Meeting/Public Hearing of December 15, 2004, Chair Denton and Mrs. Blauman described the boundaries of the proposed expanded Annexation Area as follows:

- The northern boundary of the annexation area is formed by Maple Valley Road
- The southern boundary of the annexation area is formed by NE 23rd Street (contiguous with the City of Renton).
- The western boundary of the annexation area is formed by Coal Creek Parkway/136th Avenue NE (contiguous with the City of Renton).
- The eastern boundary of the annexation area is formed by Lyons avenue NE and by Ilwaco Avenue NE (if extended).

The proposed expanded May Valley Annexation Area (at 133 acres) was established in the City of Renton Comprehensive Plan in 1993.

PROPONENT PRESENTATION: City of Renton – Donald Erickson, Senior Planner; Rebecca Lind, Planning Manager – Community Development & Strategic Planning

On behalf of the City of Renton, Mr. Erickson and Ms. Lind presented a statement concerning the proposed expansion of the Merritt II Annexation to include the entire May Valley Potential Annexation Area. Mr. Erickson and Ms. Lind responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

Mr. Erickson provided information about the May Valley Potential Annexation Area. The May Valley Annexation Area includes both developed and vacant lands within the 133 acres of territory. Existing development includes approximately 65 single-family detached dwellings within the expanded annexation site. Renton's Comprehensive Plan designates the subject annexation area Residential Low Density. The assessed valuation with current development for this enlarged area is \$14,860,621.

The Area also includes a natural environment characterized by a variety of sensitive areas. The territory includes variable topography (with level lands and slopes ranging from 10% to 40%.) May Creek traverses the May Valley Potential Annexation Area. Substantial portions of the May Valley Potential Annexation Area support wildlife habitat and diverse vegetation.

Mr. Erickson and Ms. Lind further reported that Renton has established this Potential Annexation Area in its Comprehensive Plan. The City recognizes the benefits of consolidation of the annexation of the entire 133-acre Potential Annexation Area to local residents and property owners, to the City of Renton, to various service providers (e.g., Fire District No. 10; Fire District No. 25; Coal Creek Utility District; Water District No. 90), and to King County. Upon annexation of the entire May Valley Area to the City of Renton, King County would be relieved of the

requirement to provide local services to this relatively isolated pocket of unincorporated urban territory.

Coordinated annexation of the May Valley Area will provide for local governance and uniform, streamlined public services/facilities. The City of Renton has resources available to govern and serve the entire May Valley Potential Annexation Area at this time.

Mr. Erickson reported that the City of Renton envisions – and intends – the May Valley Annexation Area as designated and zoned for single-family use (one dwelling unit per net acre.) King County permits one dwelling unit per gross acre. Net acreage is based upon removal of common areas – e.g., roadways – from the calculation of acreage/density for development. Therefore, development density permitted in the City of Renton would customarily be less than the development density permitted in King County

Mr. Erickson and Ms. Lind stated that the City plans to provide standards for development and for protection of the urban separator lands (near to May Creek) that are similar and equivalent to King County regulations for the May Valley Area. The City is currently in the process of adopting requirements for clustered development in this Area and a mandatory 50% open space tract consistent with the Urban Separator policies of King County and the City of Renton. Numerous provisions will be established to ensure contiguous open space corridors within the Urban Separator. More specifically, the City of Renton has:

- Revised Renton's Comprehensive Plan, as part of the 2004 GMA update, to strengthen urban separator policies, including specific policies guiding development in urban separators.
- Designated the May Valley "Residential Low Density" which is comparable to King County's "Greenbelt Urban Separator" classification.
- Pre-zoned approximately 133 acres the Potential Annexation Area south of May Valley Road, to the R-1 zone in 1998. The maximum density allowed in this zone is one single-family detached dwelling per net acre. This is slightly less than the County's R-1 zoning on the Merritt II annexation site which allows one dwelling per gross acre.
- Adopted the *May Creek Basin Action Plan* in February 1998 to address environmental and surface water management issues in the May Valley corridor and require use of the 1998 King County Surface Water Manual for review of development.
- Adopted development standards that exclude designated critical areas from density credits and encourage clustering of actual developed area away from steep slopes, wetlands, and floodplains. The Renton system does not allow transfer of density from these areas to other portions of the site. While this system does not mandate clustering, it does encourage both cluster development and creation of Native Growth Protection easement (open space) tracts on the preserved critical areas.

In the case of May Valley, many parcels are constrained by the floodplain as well as wetlands, slopes and soil conditions. Based upon this issue, the City is currently re-evaluating clustering provisions for the R-1 zone. The Council Planning and Development Committee has approved a proposal to make Renton's regulations more consistent with the mandatory cluster provisions in the King County code. A public hearing before the Renton City Council is scheduled in the immediate future. Adoption by City Council is expected in early 2005.

The City of Renton intends to work with property owners in the area to ensure the integrity of the May Valley Urban Separator. To that end, the City would coordinate adoption of these development/environment standards with the finalization of the May Valley Annexation

Public services are provided to May Valley by various agencies. More specifically, the City already provides fire services to Fire District No. 25, under contract, for example, so there should be no change in service. Water service will continue to be provided by the City to the western portion of the expanded area south of SE 96th Street, if extended, and District No. 90 will provide service to the portion east of 144th Avenue SE. The Coal Creek Water and Sewer District will provide service north of SE 96th Street.

Mr. Erickson reported that sewer services would be made available to existing development that is currently served by septic systems. Services would be provided on request by property owners who would like to replace working septic systems. Failing septic systems must be replaced by sewer systems. The King County Health Department monitors sewage systems. The County Health Department and the City of Renton would work together to resolve issues relating to substandard septic systems. New development would be required to provide sewers. Systems would be funded by various plans (e.g., LID).

(Note: A detailed reporting of service plans is provided as Attachment A in the Boundary Review Board record.)

School district boundaries, parks services, and library services will not change as a result of this proposed annexation.

The City of Renton prepared an initial fiscal analysis for the proposed expanded annexation. The analysis found that there would be an initial cost to the City of \$798 per year, excluding a onetime parks acquisition and development cost of \$79,828. However, after 10 years and the construction of 42 new homes with an average assessed valuation of \$500,000 (2004 dollars) there would be an estimated surplus to the City of \$2,968 per year (2004 dollars).

(Note: Details of the Fiscal Study are available in the Boundary Review Board File.)

Mr. Erickson reported that coordinated annexation of the entire May Valley Potential Annexation Area would be consistent with King County Comprehensive Plan Policies as follows:

Relevant Countywide Planning Policies	City of Renton Response
Policy CA-7. Adjacent jurisdictions shall identify and protect habitat networks that are aligned at jurisdictional boundaries. Networks shall link large protected or significant blocks of habitat within and between jurisdictions to achieve a continuous Countywide network. These networks shall be mapped and displayed in comprehensive plans.	King County and Renton have worked together to protect the entire May Valley Annexation area as an urban separator and continuous low density open space habitat for wildlife.
Policy CA-10. Jurisdictions shall maintain or enhance water quality through control of runoff and management practices to maintain natural aquatic communities and beneficial uses.	Renton has adopted the May Creek Basin Action Plan, which recommends solving problems at their source when feasible, and suggests some land use prescriptions and development restrictions toward this end. The Plan also often imposes, at the project level, in areas with sensitive lands.
Policy LU-27. Urban separators are low-density areas or areas of little development within the Urban Growth Area. Urban separators shall be defined as permanent low-density lands, which protect adjacent resource lands, Rural Areas, and environmentally sensitive areas and create open space corridors within and between Urban Areas, which provide environmental, visual, recreational and wildlife benefits.	The May Valley Potential Annexation Area is primarily designated by the County as Urban Separator/Greenbelt by King County and the City of Renton. The Area is intended as an open space corridor as well as habitat for wildlife.

Relevant Countywide Planning Policies	City of Renton Response
<p>Policy LU-31. In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap.</p>	<p>In the Renton Comprehensive Plan of 1997, the May Valley Area was established as a Potential Annexation Area and included on Renton's Comprehensive Plan Land Use Map. The Area was designated as Residential Low Density as well as pre-zoned it to R-1, one unit maximum per net acre. Renton's PAA does not overlap that of any adjacent jurisdiction at this time.</p>
<p>Policy LU-32. A city may annex territory only within its designated potential annexation area. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas annexed.</p>	<p>The May Valley Annexation Area is located within Renton's Potential Annexation Area and Renton is ready to provide a full range of urban services to this area including police, fire, water and sewer utilities, and surface water management. The Coal Creek Utility District serves the northern portion of the area and the eastern third is served by the Water District No. 90.</p> <p>Regarding environmental and surface water management issues associated with the May Valley corridor staff note that the City of Renton has adopted the May Creek Basin Action Plan, February 1998, King County and City of Renton which requires "full mitigation" for any future increase in density for areas draining to May Valley. In so doing, the plan attempts to make use of existing County and City policies and stormwater management controls such as those contained in the 1998 King County Surface Water Design Manual. In addition, development occurring within areas annexed into the City in the May Creek Basin are encouraged to comply with the Manual's Level-3 flow control standard.</p>
<p>Policy CC-6. A regional open space system shall be established to include lands which: ... Contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural, and scenic resources</p>	<p>The May Valley Annexation Area includes habitat area and drainage features (e.g., related to May Creek) which flows across the northern third of the Area.</p>

Mr. Erickson reported that the May Valley Annexation Area, at 133 acres, complies with RCW 36.93 (Boundary Review Board Objectives) as follows:

- a. Preservation of natural neighborhoods and communities;
The proposed enlarged annexation promotes – rather than divides -- existing neighborhoods.
- b. Use of Physical boundaries, including but not limited to bodies of water, highways, and land contours;
The proposed enlarged annexation area abuts the City of Renton along its eastern, southern and western boundaries and the City of Newcastle along its northern boundary. If approved the

enlarged annexation area makes good use of existing physical boundaries using SE 95th Way/Newcastle Road, and SE May Valley Road for much of its boundary.

c. Creation and preservation of logical service areas;

Service to the proposed enlarged annexation area would be improved by placing the entire area under a single municipal jurisdiction for police, fire, parks, and roads. Similarly, coordinated water and sewer services should benefit the Maple Valley Area.

d. Prevention of abnormally irregular boundaries;

The proposed boundaries of the expanded May Valley Annexation Area are much more regular than those of the more limited Merritt II annexation. The expanded annexation would be fully consistent with Renton's PAA boundaries in this Area.

e. Discouragement of multiple incorporations of small cities and encouragement of incorporations of cities in excess of ten thousand population in heavily populated urban areas;

Not Applicable.

f. Dissolution of inactive special purpose districts;

Not Applicable.

g. Adjustment of impractical boundaries;

The Merritt II Annexation as originally proposed and the expanded annexation currently under consideration would both succeed in creating more practical boundaries. However, the expanded May Valley Potential Annexation Area incorporation would create more reasonable boundaries under a single, unified action. The single action would eliminate the need for future incremental actions to govern and serve the Potential Annexation Area.

h. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and,

King County has designated this area for urban development because of its location within the Urban Growth Area boundary. The county has also indicated that it wants to divest itself from providing urban services to these unincorporated urban areas.

i. Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

Not applicable

Mr. Erickson and Ms. Lind concluded their presentation by reporting that:

- Merritt II Annexation as proposed, or with expansion to incorporate the May Valley Potential Annexation Area (133 acres) are both in compliance with the Boundary Review Board Act.
- Renton has an approved Comprehensive Plan (1997) and pending new legislation that will establish for the May Valley Area both appropriate levels of development (one residential unit per net acre) and environmental protection for the Greenbelt/Urban Separator areas.
- An action to consolidate the entire May Valley Potential Annexation Area under a single jurisdiction at this time would enable uniform local governance and coordinated services. Renton is capable of immediately providing accessible local government and a full array of services to the entire Potential Annexation Area.

KING COUNTY PRESENTATION: King County Office of the Executive: Michael Thomas, Senior Policy Analyst

On behalf of the King County Office of the Executive, Michael Thomas presented King County's position concerning the initially proposed Merritt II Annexation Area (20.59 acres) and the expanded

May Valley Annexation (133 acres). Following is a summary of the statement (including responses to inquiries by Board members).

Mr. Thomas reported that the King County Office of the Executive invoked jurisdiction seeking a public hearing for the proposed Merritt II Annexation. The hearing request was based upon several concerns including: (1) the purpose for annexation; (2) configuration of the annexation – with respect to included and excluded lands; and (3) timeliness of the proposed annexation.

Mr. Thomas reported that King County reviews each annexation proposal with the intention of ensuring a balance among the plans and regulations of the State, the County, and the affected local jurisdictions. The County also seeks to ensure the provision of sound, cost-effective governance for community members.

Mr. Thomas stated that annexation of the entire May Valley Potential Annexation Area will achieve the balance that the County seeks from incorporations. Mr. Thomas reported that County officials and service providers have expressed concerns that balance is lacking for the proposed more limited Merritt II Annexation.

Mr. Thomas reported that the 133-acre annexation is appropriate based upon the provisions of the State Growth Management Act which establishes local jurisdictions as the appropriate governing authority for urban lands.

Mr. Thomas reported that, similarly, King County plans and policies call for annexation of lands within the Urban Growth Area. More specifically, support for annexations is based upon several King County Comprehensive Plan/Countywide Policies that encourage annexation. Similarly, the Plan supports cities as basic governing units and service providers.

The King County Plan, further, stipulates that annexations should occur at the earliest feasible date -- when cities have land use plans, service plans, and service resources available. Of special interest to the County is the desirability of annexing small isolated urban areas, such as Merritt II and the surrounding greater May Valley Potential Annexation Area, because annexation provides residents with local governance and needed public services/facilities.

Mr. Thomas confirmed that Renton's Comprehensive Plan establishes the City's commitment to annexation of the entire May Valley Annexation Area. Mr. Thomas stated that Renton is willing to assume jurisdiction over the entire May Valley Annexation Area at this time. The City needs to be able to rely upon a reasonable plan for land annexation. The City can govern the entire May Valley Annexation Area immediately. The City can provide (directly or by contract) water, sewer, storm water management, fire, police, parks and other community services.

Mr. Thomas stated his agreement with City of Renton officials that incorporation of the complete May Valley Potential Annexation Area would be consistent with RCW 36.93, the criteria established by the State to serve as the basis for Boundary Review Board decision-making with respect to annexations. RCW 36.93 establishes the authority to annex where local plans and existing/future conditions support incorporation of land into a local jurisdiction. With respect to the May Valley Potential Annexation Area, Mr. Thomas reported that:

- Annexation of the entire May Valley PAA into Renton is consistent with RCW 36.93.180 (Objective 1) which calls for preservation of communities. The 133-acre area forms a neighborhood; the proposed 21.59-acre annexation, which leaves a 115-acre unincorporated area, would fragment the neighborhood.
- Annexation of the entire Merritt II Potential Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 2) which calls for use of physical boundaries to serve as a basis for incorporation boundaries. The annexation of the 133-acre area would bring into the City all lands within the May Valley PAA which are bordered by the existing City of Renton on the western and southern boundaries. The northern boundary would be formed by May Valley Road. The eastern boundary would be formed by Lyons Avenue NE. This annexation would create a seamless community with clear physical boundaries.
- Annexation of the entire May Valley Potential Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 3) which calls for logical service areas. Annexation of a 20.59-acre

area does not advance this criterion. More specifically, the 20.59-acre annexation would not promote the provision of coordinated services because various County providers and local providers will be required to serve areas that are not clearly delineated. Services may be less effective, less efficient, and more costly. Service availability may be fragmented as well.

More specifically, with the initially proposed Merritt II (20.59 acre) Annexation, some properties would be joining the City and some properties would remain in the County. In that situation, development standards and service provision will be variable, resulting in a disjointed community.

In contrast, the City of Renton has planned for coordinated governance, development, and services to the May Valley Potential Annexation Area. For example, the Renton Comprehensive Plan establishes the 133-acre area for like land uses and development standards. Environmental protection ordinances are based upon area-wide land elements (e.g., May Creek). Uniform standards are being developed by the City to protect the Greenbelt/Urban Separator Area.

- Annexation of the entire Merritt II Potential Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 4) which is intended to prevent abnormally irregular boundaries. Annexation of the May Valley Area (at 133 acres) would create regular boundaries. The proposed 20.59-acre annexation area does not create a unified, regular boundary. The Merritt II annexation boundaries lack regularity. The smaller annexation would divide community affiliations and hinder effective governance.
- Annexation of the entire May Valley Potential Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 7) which is intended to create practical boundaries. The proposed Merritt II annexation area does not create a practical boundary. Rather, annexation of this limited area fragments community borders and thus is not practical. More specifically, the May Valley Annexation promotes the provision of public services and public facilities. The Merritt II annexation will likely complicate the provision of public facilities and public services. For example, the proposed boundary will create confusion for emergency service providers.
- Annexation of the entire May Valley Potential Annexation Area into Renton is consistent with RCW 36.93.180 (Objective 8) which calls for incorporation of urban areas. The entire May Valley Annexation Area is within the King County Urban Growth Area boundaries. Annexation of the entire May Valley Area will permit more coordinated development and ensure uniform protection of environmentally sensitive areas.

Mr. Thomas stated that the County supports the annexation of the entire May Valley Area at this time, because the City of Renton has gone to great effort to plan to effectively govern, develop, protect, and serve the area as a unified community. The City is willing and able to incorporate the entire May Valley Area.

Mr. Thomas stated that annexation of the entire Merritt II Annexation Area is a more balanced action from a financial perspective as well as from the perspective of governance and service provision. More specifically, King County will benefit because, while the County will not receive revenue from the May Valley Annexation Area, the County will also not incur costs for governing and serving the area. If the annexation includes only the Merritt II Area at 20.59 acres, then the County will receive less funding but will retain responsibility for serving the remaining 115-acre May Valley Area.

In conclusion, Mr. Thomas reported that the County Executive believes that it is in the best interests of all parties for the entire May Valley Area to immediately join the City of Renton. Immediate consolidated annexation better promotes balanced governance than incremental annexation. RCW 36.93.150 clearly allows the Boundary Review Board to approve the comprehensive annexation. The incorporation of the entire May Valley Potential Annexation Area is also consistent with other state, regional and local guidelines. Annexation at this time will benefit the citizens and all affected government units.

GENERAL TESTIMONY:

Six citizens testified concerning the Merritt II Annexation (20.59) and the proposed expansion to incorporate the entire May Valley Potential Annexation Area (133 acres).

Two speakers were supportive of immediate annexation of the entire May Valley Area. Those speakers expressed confidence that the City of Renton would fulfill its commitment to the provision of regulations to control land use and to protect the Greenbelt/Urban Separator.

Two speakers were willing to support (with conditions) the incorporation of the May Valley Potential Annexation Area. These speakers requested that, prior to the Boundary Review Board approval of the annexation, the City of Renton be required to have adopted standards for the May Valley Area that are consistent with the King County regulations for land use and for environmental protection in the Greenbelt/Urban Separator Area. Particular areas of concern were expressed with respect to surface water management, hydrology, land use permitting, and protection of open spaces.

Two speakers were generally supportive of the annexation of the May Valley Area. However, concern was expressed that the process utilized for this action is unfamiliar to the citizens. Citizens were reportedly not duly informed of the hearing for annexation of the entire May Valley Area. As a result, there has reportedly been limited opportunity for involvement of members from the greater May Valley community. There was also concern related to the reported lack of information as to how annexation would affect governance and service of this May Valley Area.

IV. REBUTTAL

City of Renton officials waived the opportunity to provide a rebuttal statement.

V. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING

At the completion of public testimony for the Merritt II Annexation, Chair Denton instructed the Board with respect to procedures for closure (or continuation) of the hearing. The Board was provided with an option to continue the hearing to obtain more information or an option to close the hearing and to deliberate for a decision on the proposed action.

Chair Denton requested a motion to close or to continue the hearing. A. J. Culver moved and Lloyd Baker seconded a motion that the Boundary Review Board close the public hearing on the King County proposal to expand the proposed 20.59 acre Merritt II Annexation to include the entire May Valley Potential Annexation Area (133 acres).

The Board agreed by unanimous vote to close the public hearing.

Chair Denton invited the Board members to begin deliberations to consider annexation of the proposed Merritt II Annexation and the proposed expanded May Valley Area annexation.

Roger Loschen moved and Charles Booth seconded a motion that the Boundary Review Board approve the incorporation into Renton of the May Valley Potential Annexation Area (133 acres).

The Board members began consideration of the motion to approve the May Valley Area annexation by posing several inquiries as follows:

- *Query 1:* Was legally sufficient notification provided for the proposed Merritt II/May Valley Annexation Area public hearings before the Boundary Review Board?

Mrs. Blauman reported that, pursuant to RCW 36.93, public notices were published in the Seattle Times (4 notices) and the King County Eastside Journal (2 notices). For the initial Merritt II hearing (November 3, 2004), approximately 12 notices were posted within the boundaries of the Merritt II Area. For the May Valley Annexation Area hearing (December 15), approximately 24 notices were posted within the boundaries of the May Valley Annexation Area. In addition, copies of the notice were sent to three citizens who requested permission to distribute notices in the local community.

- *Query 2:* Is the Board authorized to expand the initially proposed Merritt II Annexation to include the entire May Valley Potential Annexation Area?

Special Assistant Attorney General Robert Kaufman stated that RCW 36.93.150 authorizes the Boundary Review Board to modify (e.g., expand) the Merritt II Annexation Area if the Board members determine that such expansion is consistent

with the provisions of RCW 36.93, RCW 36.70A, the King County Comprehensive Plan, and the City of Renton Comprehensive Plan.

- **Query 3:** Is the Board permitted to approve the May Valley Annexation with conditions requiring that: (1) the City of Renton must adopt appropriate standards for protection of the May Creek Greenbelt/Urban Separator prior to the annexation of the May Valley Area; and/or (2) the City of Renton must comply with King County Urban Separator Standards until the City adopts equivalent standards for land use/environmental protection in this area?

Special Assistant Attorney General Robert Kaufman stated that there is precedent for the Board to require that the City of Renton comply with County development and protection standards for Urban Separators as a condition of annexation.

Renton officials reported that the City would be adopting the Greenbelt/Urban Separator standards in the immediate future. The adoption of the final ordinance for the May Valley Annexation could be scheduled to follow the adoption of the Greenbelt/Urban Separator Ordinance.

Following discussion concerning the options for annexation and establishment of conditions related to the incorporation of lands into the City of Renton, the Board members concurred that:

- Annexation of the entire May Valley Area would be consistent with the statutory authority of the Boundary Review Board.

More specifically, the Boundary Review Board is required to evaluate an action based upon RCW 36.93 – the Board’s Enabling Act. RCW 36.93.170 and RCW 36.93.180 establish specific criteria which the Board must consider. The Board is also required to consider RCW 36.70A (State Growth Management Act); the King County Comprehensive Plan; and statutes of the affected local jurisdiction – in this case the City of Renton.

- Annexation of the entire May Valley Area would be consistent with the record for File No. 2178 as well as the testimony of King County, representatives, of City of Renton representatives, and affected citizens (e.g., community members, property owners).

For example, under State Growth Management Act guidelines, King County has designated the entire May Valley Potential Annexation Area as an Urban Area. The City of Renton has confirmed this urban designation for May Valley in its Comprehensive Plan. Renton officials have stated that the City is willing to undertake annexation in order to govern and serve the May Valley Area.

Further, the Board members reported that authorization of the entire May Valley Annexation would facilitate integration of this community into the City of Renton. Approval of only the Merritt II Annexation, at 20.59 acres, would leave a remaining island of 115 acres of unincorporated urban land, creating fragmentation in governance and service provision. For example, County standards differ from City standards in several service categories, including land use, police services, and roadway development. The disparities may splinter the area and increase the challenges for immediate and long-term governance of this area.

In comparison, the annexation of the entire May Valley Area is consistent with criteria established in RCW 36.93 and related regulatory authorities, as follows.

RCW 36.93.180	MAY VALLEY ANNEXATION AREA (133 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES BASIC CRITERION AS ANNEXATION INCLUDES ALL PROPERTIES THAT ARE INCLUDED IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS	ADVANCES BASIC CRITERION AS IT COINCIDES WITH ESTABLISHED COMPREHENSIVE PAA BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES BASIC CRITERION AS RENTON CAN CONTINUE/BEGIN SERVICE TO ENTIRE AREA IN A WAY THAT ADDRESSES PUBLIC WELFARE. COUNTY WOULD CEASE TO HAVE RESPONSIBILITY FOR SERVICE.

RCW 36.93.180	MAY VALLEY ANNEXATION AREA (133 ACRES)
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARY LINES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ANNEXATION CREATES (RATHER THAN ADJUSTS) IMPRACTICAL BOUNDARIES. ACTION RESULTS IN LESS COORDINATED SERVICE AREAS WHICH ARE INEFFICIENT AND MORE COSTLY TO SERVE
OBJECTIVE 8 – INCORPORATION AS CITIES OR TOWNS OR ANNEXATION TO CITIES OR TOWNS OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER	ADVANCES CRITERION AS THE ENTIRE DESIGNATED URBAN AREA WILL BE INCORPORATED INTO A LOCAL JURISDICTION.
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS DESIGNATED BY A COMPREHENSIVE PLAN ADOPTED BY THE COUNTY LEGISLATIVE AUTHORITY	DOES NOT APPLY

Board members concurred, further, that the annexation of the May Valley Area should be authorized as proposed and without mitigation measures. Board members agreed that the record for File No. 2178 provides sufficiently compelling and credible evidence that the City of Renton intends to adopt regulations for the appropriate restriction of land uses and preservation of open spaces (e.g., greenbelt/urban separator. The proposed regulations are equivalent to -- or more extensive than -- those King County regulations which currently apply to the May Valley Annexation Area. The City of Renton has provided credible evidence that adoption of such regulations is slated to take place in the very near future. Finally the City of Renton has provided assurance, for the record, that such regulations will then immediately regulate the May Valley Area.

At the close of discussion, Chair Denton called for a vote on the motion to approve, with modifications the Merritt II Annexation, to include the entire May Valley Potential Annexation Area (133 acres).

The Boundary Review Board voted unanimously in favor of the motion to approve, with modifications the Merritt II Annexation, to include the entire May Valley Potential Annexation Area (133 acres) and to direct staff to prepare Resolution and Hearing Decision for presentation to the Boundary Review Board. The Resolution and Hearing Decision shall be presented to the Boundary Review Board for final action on January 13, 2005.

VI. ADJOURNMENT

Lloyd Baker moved and A. J. Culver seconded a motion to adjourn the Special Meeting/Public Hearing of December 15, 2004. The motion passed by unanimous vote. Chair Denton adjourned the meeting at 9:20 PM.

- Water Utility: Renton is the designated water service provider for the majority of the area. This includes the area west of SE 144th Avenue (Ilwaco Avenue NE) and south of SE 96th Street, if extended. The area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District and the area east of 144th Avenue SE, if extended is served by Water District No. 90. No additional staff is anticipated as a result of this annexation.
- Surface Water: The proposed annexation is located in the Green Creek sub-basin of the May Creek Basin. The site drains to the May Valley portion of May Creek, where there is existing flooding, water quality and fish habitat problems. May Creek flows across the northern portion of the proposed enlarged annexation. Because the City adopted the May Creek Basin Action Plan which requires full mitigation for future increases in surface water runoff from new development draining into May Valley, future development will likely have to comply with the 1998 King County Surface Water Design Manual flow control standards. No additional staff is anticipated as a result of this enlarged annexation.
- Wastewater: The City is the designated sewer service provider for that portion of the enlarged annexation area laying south of SE 96th Street, if extended. The area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District.
- Parks: Staff notes that there currently is a shortfall of parks, trails and recreation facilities in the area. May Creek Park is located in the western portion of the enlarged annexation area near Coal Creek Parkway. Staff has calculated an estimated one-time cost of \$79,828 as the fair share cost that could be attributed to this annexation, above and beyond revenues that might accrue to the City from parks mitigation fees for new development.
- Fire: The City currently serves the western three-quarters of the annexation area under contract with Fire District No. 25. If the Renton City Council and the Boundary Review Board support this expanded annexation area upon its annexation the City will serve the whole area.
- Police: The Police Department generally supports annexations such as this but notes that this, like all annexations, will likely increase the number of calls for service. The accumulative impact of these annexations could eventually require additional staff.
- Public Works Maintenance: The division has not yet had a chance to estimate the annual cost of maintaining existing and new streets within the proposed enlarged annexation area.
- Transportation: Because the costs of upgrading existing access streets serving new development within the proposed annexation would most likely be borne by those developing properties there should be minimal cost to the City, at least initially. The only expenses the City would incur from a transportation standpoint would be those associated with new signage and pavement markings, street lighting and maintenance costs.